

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
YORMAN SOTO, <i>individually and on behalf</i>	:	
<i>of all others similarly situated,</i>	:	
	:	
Plaintiffs,	:	19-CV-10053 (VSB) (BCM)
	:	
- against -	:	<u>ORDER</u>
	:	
	:	
CRISMELI DELI GROCERY INC., <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

On October 30, 2019, Plaintiff Yorman Soto brought this action against Crismeli Deli Grocery Inc. and Decatur Deli Food Corp., two delis in the Bronx owned and operated by Defendants Jose Dolores Garcia and Reymundo Cosme (collectively, “Defendants”), pursuant to the Fair Labor Standards Act (“FLSA”), 9 U.S.C. § 201 *et seq.*, and New York Labor Law (“NYLL”), §§ 190 *et seq.* and 650 *et seq.* (Doc. 1.) After Defendants failed to answer the Complaint or to appear at a show-cause hearing, I issued an order granting Plaintiff’s motion for entry of a default judgment and referred the matter to Magistrate Judge Barbara C. Moses for an inquest on damages. (Docs. 34, 35.)

On June 28, 2024, Magistrate Judge Moses issued a thorough and well-reasoned Report and Recommendation recommending that Plaintiffs be awarded damages in the aggregate amount of \$162,653.44, plus prejudgment interest, against all Defendants. (Doc. 46 at 24–25.) Neither party filed any objections to the Report and Recommendation.

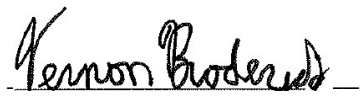
A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Although the Report and Recommendation explicitly provided that “[t]he parties shall have fourteen days from the service of this report and recommendation to file written objections” and that “[the] failure to file timely objections will result in a waiver of such objections and will preclude appellate review,” neither party filed an objection or requested additional time to do so. I therefore have reviewed Magistrate Judge Moses’s thorough and well-reasoned Report and Recommendation for clear error and, after careful review, find none. Accordingly, I ADOPT the Report and Recommendation in its entirety.

The Clerk’s Office is respectfully directed to terminate any open motions, to enter judgment in accordance with this Order, and to close this case.

SO ORDERED.

Dated: August 8, 2024
New York, New York


Vernon S. Broderick
United States District Judge